

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
APRIL 27, 2004
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Daniel S. Power, Paul J. Escobar, Vivian Rojas and Anthony W. Cobos. Absent: None. Meeting was called to order at 9:04 a.m. and the invocation was given by Pastor James Larry Williams, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

- 1. *Share the Vision World Peace and Captain James Lovell***
- 2. *El Paso Arbor Week***
- 3. *Infant Immunization Awareness Week***

Item: Discussion and action regarding the Bill of Rights Defense Committee of El Paso wishing the City Council of El Paso to support a Resolution against the anti-constitutional provisions of the Patriot Act as outlined in Resolution at <http://www.utep.edu/philos/BORDER/index.htm> [James C. Rawley]

RESOLUTION

WHEREAS, the City of El Paso is proud of its long and distinguished tradition of protecting the civil rights and liberties of its residents; and

WHEREAS, the preservation of civil rights and liberties is essential to the well-being of a democratic society; and

WHEREAS, federal, state and local governments should protect the public from terrorist attacks such as those that occurred on September 11, 2001, but should do so in a rational and deliberative fashion to ensure that any new security measure enhances public safety without impairing constitutional rights or infringing on civil liberties; and

WHEREAS, government security measures that undermine fundamental rights do damage to the American institutions and values that the residents of the City of El Paso hold dear; and

WHEREAS, the City Council of the City of El Paso believes that there is no inherent conflict between national security and the preservation of liberty, Americans can be both safe and free; and

*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meetings of February 13, 2003 and April 20, 2004.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Mike R. Stewart ("Assignor") and Jay F. Stewart ("Assignee") for the property described as a portion of Lot 1, Block 10, Butterfield Trail Industrial Park, Unit 2, City of El Paso, El Paso County, Texas, municipally known and numbered as #26 Butterfield Trail, El Paso, Texas.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a First Amendment to the Airport Display Agreement by and between the City of El Paso and the Sun Bowl Association to extend the display of the replica of the Sun Bowl Football Game Trophy at the El Paso International Airport to August 31, 2005.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following contract amendments on behalf of the Arts and Culture Department, to be funded through supplemental appropriations to the FY2004 Direct Funding Program of the Arts and Culture Department, as recommended by the Arts and Culture Department's Staff and Advisory Board.

	ACD
1. El Paso Association for the Performing Arts	\$ 2,764
2. El Paso Pro-Musica	\$ 2,764
3. El Paso Symphony Orchestra	\$ 3,017
4. Bridge Center for Contemporary Art	\$ 1,514
5. Bridge Center for Contemporary Art/Chamizal Independent Film Festival	\$ 1,014
6. Creative Kids	\$ 1,017
7. El Paso Chorale	\$ 1,514
8. El Paso Community College Arts Festival	\$ 764
9. El Paso Playhouse Kids-n-Company	\$ 764
10. El Paso Wind Symphony	\$ 1,514
11. Gilbert & Sullivan Co. of El Paso	\$ 514
12. Project Vida	\$ 1,264
13. Theatre Inc.	\$ 1,517
14. UTEP Art Department	\$ 1,514
TOTALS:	\$21,455

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following contracts on behalf of the Arts and Culture Department, to be funded through supplemental appropriations to the FY2004 Direct Funding Program of the Arts and Culture Department, as recommended by the Arts and Culture Department's Staff and Advisory Board.

	ACD
1. Chamizal National Memorial	\$1,517
2. Showtime El Paso	\$1,514
3. UTEP Language & Linguistics Department	\$ 514

TOTALS:

\$3,545

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Motion made, seconded and unanimously carried to move to the regular agenda the Resolution that the Mayor be authorized to sign a Developer Agreement between Colony Partners L.P. and the City of El Paso for the construction of certain improvements to Bear Ridge Drive and the abutting drainage channel in the vicinity of a certain 20 acre parcel contemplated for use as a City park. This developer agreement is made pursuant to Section 212.071 and 212.072 of the Texas Local Government Code as well as the City of El Paso Municipal Code.

There was no discussion.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to postpone one (1) week the Resolution that the Mayor be authorized to sign a Developer Agreement between Colony Partners L.P. and the City of El Paso for the construction of certain improvements to Bear Ridge Drive and the abutting drainage channel in the vicinity of a certain 20 acre parcel contemplated for use as a City park. This developer agreement is made pursuant to Section 212.071 and 212.072 of the Texas Local Government Code as well as the City of El Paso Municipal Code.

NOTE: This Resolution was considered together with the Resolution that the Mayor be authorized to sign a Joint Resolution between the El Paso Water Utilities-Public Service Board and the City of El Paso authorizing (1) the transfer of a 20-acre tract of land in H.G. Foster Survey No. 262, City of El Paso, El Paso County, Texas, from the jurisdiction of the El Paso Water Utilities-Public Service Board to the City of El Paso for use as a public park; (2) that the City of El Paso shall pay the El Paso Water Utilities-Public Service Board a total sum of \$120,000 as consideration for the 20-acre land transfer; and (3) that the El Paso Water Utilities-Public Service Board shall accept reimbursement through deductions due the City from the proceeds derived from future El Paso Water Utilities-Public Service Board land sales in the amount of \$120,000 to cover the land transfer and budget transfer BT2004-645 for Building and Planning Services.

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Motion made, seconded and unanimously carried to move to the regular agenda the Resolution that the Mayor be authorized to sign a Joint Resolution between the El Paso Water Utilities-Public Service Board and the City of El Paso authorizing (1) the transfer of a 20-acre tract of land in H.G. Foster Survey No. 262, City of El Paso, El Paso County, Texas, from the jurisdiction of the El Paso Water Utilities-Public Service Board to the City of El Paso for use as a public park; (2) that the City of El Paso shall pay the El Paso Water Utilities-Public Service Board a total sum of \$120,000 as consideration for the 20-acre land transfer; and (3) that the El Paso Water Utilities-Public Service Board shall accept reimbursement through deductions due the City from the proceeds derived from future El Paso Water Utilities-Public Service Board land sales in the amount of \$120,000 to cover the land transfer.

There was no discussion.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to postpone one (1) week the Resolution that the Mayor be authorized to sign a Joint Resolution between the El Paso Water Utilities-Public Service Board and the City of El Paso authorizing (1) the transfer of a 20-acre tract of land in H.G. Foster Survey No. 262, City of El Paso, El Paso County, Texas, from the jurisdiction of the El Paso Water Utilities-Public Service Board to the City of El Paso for use as a public park; (2) that the City of El Paso shall pay the El Paso Water Utilities-Public Service Board a total sum of \$120,000 as consideration for the 20-acre land transfer; and (3) that the El Paso Water Utilities-Public Service Board shall accept reimbursement through deductions due the City from the proceeds derived from future El Paso Water Utilities-Public Service Board land sales in the amount of \$120,000 to cover the land transfer.

NOTE: This Resolution was considered together with the Resolution that the Mayor be authorized to sign a Developer Agreement between Colony Partners L.P. and the City of El Paso for the construction of certain improvements to Bear Ridge Drive and the abutting drainage channel in the vicinity of a certain 20 acre parcel contemplated for use as a City park. This developer agreement is made pursuant to Section 212.071 and 212.072 of the Texas Local Government Code as well as the City of El Paso Municipal Code and budget transfer BT2004-645 for Building and Planning Services.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign, on behalf of the City of El Paso, an amended Interlocal Agreement between the INSTITUTE FOR POLICY AND ECONOMIC DEVELOPMENT, which is part of the University of Texas at El Paso, and the CITY OF EL PASO to extend the term of the Agreement dated February 17, 2004 from May 1, 2004 to July 1, 2004, and to revise the Scope of Services as described in the amended Agreement.

NOTE: Resolution language was revised.

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***RESOLUTION**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AFFIDAVITS REQUIRED FOR THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) MATCHING FUND ADJUSTMENT FOR ECONOMICALLY DISADVANTAGED COUNTIES FOR TXDOT TRANSPORTATION PROJECT APPLICATIONS FOR THE YEAR 2004.

WHEREAS, the State of Texas, 75th Legislature, enacted legislation providing for an adjustment to the usual matching fund requirements for Texas Department of Transportation (TXDOT) transportation projects for Economically Disadvantaged Counties; and,

WHEREAS, TXDOT identifies the counties that qualify for Economically Disadvantaged Counties (EDC) status from data obtained from the Texas Comptroller of Public Accounts on an annual basis; and,

WHEREAS, El Paso County has been identified by TXDOT as an Economically Disadvantaged County; and,

WHEREAS, TXDOT requires that the principal elected official for the applicant transportation project of the EDC must submit an Affidavit with each application; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign affidavits required for the Texas Department of Transportation matching fund adjustment for economically disadvantaged counties for TXDOT Transportation Project applications for the year 2004.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Certificate Specifying Officials Authorized to Execute and Deliver Disbursement Requests related to the Community Adjustment and Investment Program Agreement for Grants to U.S. State and Local Governments ("the Grant Agreement," Award Number 2001-039-TX-P), dated as of September 5, 2002, and as first amended on October 23, 2003, between the North American

Development Bank (NADBank) and the City of El Paso. The Certificate identifies three individuals who are authorized to make requests for disbursements from the funds available under the Grant Agreement, which supplements the El Paso City-County MultiBank Revolving Loan Fund of the City and County of El Paso:

- Deputy Chief Administrative Officer for Financial Services
- Comptroller
- Director of Economic Development Department

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Second Amended Interlocal Agreement between the County of El Paso and the City of El Paso, that provides for a Joint Revolving Loan Fund. Revisions to the Agreement include adding funds from the Community Adjustment and Investment Program of the North American Development Bank and from the Brownfields Cleanup Revolving Loan Fund Program of the Environmental Protection Agency; allowing for changes in state agency and Program Operator names; and, allowing for three consecutive two-year terms for Revolving Loan Fund Board members.

Mr. David Dobson, Director of Economic Development, responded to Representative Rojas' question and added explanatory remarks.

Motion made by Representative Rojas, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

Representative Escobar was not present for the vote.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a First Amendment to Tax Abatement Agreement by and between the City of El Paso and Physicians Specialty Hospital of El Paso-East to amend the year ending dates of the job creation requirements.

Mr. David Dobson, Director of Economic Development, responded to Representatives Austin and Lozano questions and added explanatory remarks.

Mayor Joe Wardy and Representative Escobar commented.

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried to approve the above Resolution.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museums Department be authorized to accept, on behalf of the City of El Paso, the following gift for the El Paso Museum of History:

1. One (1) oil on canvas portrait of President Porfirio Diaz (c. 1880s-1890s) offered by David Saenz of El Paso, Texas.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Engineering Services by and between the **CITY OF EL PASO** and **CEA ENGINEERING GROUP**, for a project known as "**Cedar Grove Street and Drainage Improvements Phases I-XII**", in an amount not to exceed SIX HUNDRED SEVENTY-SEVEN THOUSAND NINE HUNDRED ELEVEN and NO/100 DOLLARS (\$677,911.00).

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **SHEILA ELIAS**, to assist the Financial and Administrative Department as a Grants Administrator at a biweekly rate of \$1,923.08 for 40 hours per week. The term of the contract shall be for the period of May 8, 2004 through May 7, 2005.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **CHRIS A. CUMMINGS**, to assist the Financial and Administrative Department as a Grant Writer at a biweekly rate of \$1,538.46 for 40 hours per week. The term of the contract shall be for the period of May 8, 2004 through May 7, 2005.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor and City Council approve the Equal Employment Opportunity Plan for the City of El Paso.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **Community & Human Development Director** is hereby revised as specified in the duties and responsibilities attached hereto. The Code will remain **5794**. The Grade shall be **EX-C**.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Grant Application to the Texas State Library and Archives Commission (TSLAC) in the amount of \$385,867 for SFY 2004/2005 on behalf of the El Paso Public Library and the Texas Trans-Pecos Library System, and that the Mayor be authorized to sign any required contracts and related documents to accept funding of that amount or any other amount approved by TSLAC. The grant funds will be used for library operations. (No matching funds required.)

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Fred Morales covering an exhibit of photos "Ciudad Juarez" at the Clardy Fox Branch of the El Paso Public Library System for the period of May 1 through 31, 2004. This exhibition is at no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Alejandro Garcia S. covering an exhibit of "Oil Paintings" at the Main Library of the El Paso Public Library System for the period of May 1 through 31, 2004. This exhibition is at no cost to the City.

***RESOLUTION**

WHEREAS, the City of El Paso supports community organizations and events in the El Paso area, including the Girl Scouts of the Rio Grande; and

WHEREAS, the Girl Scouts of the Rio Grande will hold its Annual Girl Scout Awards Ceremony from 2:00 pm to 4:00 pm on Saturday May 1, 2004 at the Scottish Rite Temple; and

WHEREAS, the Girl Scouts of the Rio Grande have requested use of a portion of the employee parking lot located on the east side of City Hall for attendees of the Annual Girl Scout Awards on May 1, 2004; and

WHEREAS, the event will occur during non-working hours for City employees, and therefore such usage does not interfere with the City's requirements of such parking lot;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

That the City Council hereby authorizes the use of a portion of the east side of the City Hall employee parking lot from 12:30 pm to 6:00 pm on Saturday, May 1, 2004, for use by participants and attendees in the Annual Girl Scout Awards Ceremony being held at the Scottish Rite Temple.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an application to the Wolslager Foundation ("Foundation") for a grant in the amount of \$54,000.00 to fund three Neighborhood Youth Outreach sites in various locations in the City of El Paso and that the Mayor be authorized to sign any required contracts and related documents accepting a grant for such amount or for any lesser amount approved by the Foundation. No City matching funds will be required.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

ACOSTA SPORTS CENTER

DEPARTMENT ID: 51010215, ACCOUNT 502215

1. CONTRACTOR: El Paso Softball Umpires Association
DATES: April 30, 2004 through August 31, 2004
RATE PER CL: \$40.00
MAXIMUM AMT: \$10,000
CONTRACT: **2003/2004-129**
2. CONTRACTOR: El Paso Softball Umpires Association
DATES: April 30, 2004 through August 31, 2004
RATE PER CL: \$32.50
MAXIMUM AMT: \$17,062.50
CONTRACT: **2003/2004-130**
3. CONTRACTOR: El Paso Softball Umpires Association
DATES: April 30, 2004 through August 31, 2004
RATE PER CL: \$20.00
MAXIMUM AMT: \$4,500.00
CONTRACT: **2003/2004-131**
4. CONTRACTOR: El Paso Softball Umpires Association
DATES: April 30, 2004 through August 31, 2004
RATE PER CL: \$12.00
MAXIMUM AMT: \$1,500.00
CONTRACT: **2003/2004-132**
5. CONTRACTOR: El Paso Softball Umpires Association
DATES: April 30, 2004 through August 31, 2004
RATE PER CL: \$3.00
MAXIMUM AMT: \$1,800.00
CONTRACT: **2003/2004-133**

6. CONTRACTOR: El Paso Softball Umpires Association
DATES: April 30, 2004 through August 31, 2004
RATE PER CL: \$1.50
MAXIMUM AMT: \$1,800.00
CONTRACT: **2003/2004-134**

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

ACOSTA SPORTS CENTER

DEPARTMENT ID: 51010215, ACCOUNT 502215

1. CONTRACTOR: El Paso Umpires Association
DATES: May 3, 2004 through August 31, 2004
RATE PER CL: \$56.00
MAXIMUM AMT: \$10,192.00
CONTRACT: **2003/2004-135**
2. CONTRACTOR: El Paso Umpires Association
DATES: May 3, 2004 through August 31, 2004
RATE PER CL: \$54.00
MAXIMUM AMT: \$9,072.00
CONTRACT: **2003/2004-136**
3. CONTRACTOR: El Paso Umpires Association
DATES: May 3, 2004 through August 31, 2004
RATE PER CL: \$58.00
MAXIMUM AMT: \$8,120.00
CONTRACT: **2003/2004-137**

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

AQUATICS

DEPARTMENT ID: 51010281, ACCOUNT 501011

1. CONTRACTOR: Ceasar Alba, Swim Instructor, Step 1
DATES: April 28, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-228**

2. CONTRACTOR: Omar Alba, Senior Lifeguard, Step 1
DATES: April 28, 2004 through September 30, 2004
RATE PER HR: \$6.60
CONTRACT NO: **2003/2004-229**
3. CONTRACTOR: Timothy B. Boyd, Swim Instructor, Step 1
DATES: April 28, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-230**
4. CONTRACTOR: Samantha Delgado, Swim Instructor, Step 1
DATES: April 28, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-231**
5. CONTRACTOR: Juanita Duchene, Pool Attendant, Step 1
DATES: April 28, 2004 through September 30, 2004
RATE PER HR: \$5.40
CONTRACT NO: **2003/2004-232**
6. CONTRACTOR: Eric G. Hansen, Swim Instructor, Step 2
DATES: April 28, 2004 through September 30, 2004
RATE PER HR: \$5.50
CONTRACT NO: **2003/2004-233**
7. CONTRACTOR: Allison L. Hayes, Lifeguard, Step 1
DATES: April 28, 2004 through September 30, 2004
RATE PER HR: \$5.25
CONTRACT NO: **2003/2004-234**
8. CONTRACTOR: Valerie M. Monsivais, Lifeguard, Step 2
DATES: April 28, 2004 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-235**
9. CONTRACTOR: Laura Muñoz, Swim Instructor, Step 1
DATES: April 28, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-236**
10. CONTRACTOR: David J. Solis, Pool Attendant, Step 1
DATES: April 28 through September 30, 2004
RATE PER HR: \$5.40
CONTRACT NO: **2003/2004-237**
11. CONTRACTOR: Lisa A. Spurgin, Swim Instructor, Step 3
DATES: April 28, 2004 through September 30, 2004
RATE PER HR: \$5.65
CONTRACT NO: **2003/2004-238**

12. CONTRACTOR: Michael Torres, Swim Instructor Step 1
DATES: April 28, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-239**
13. CONTRACTOR: Brittney R. Villalba, Swim Instructor, Step 1
DATES: April 28, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-240**

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Landscape Architectural Services by and between the **CITY OF EL PASO** and **URBAN OASIS LANDSCAPE DESIGNS, INC.** for landscape architectural design services related to the 2000 Quality of Life Bond Projects, in an amount not to exceed EIGHT HUNDRED THOUSAND AND 00/100 DOLLARS (\$800,000.00).

Mr. Juan Contreras, Perspectiva + 3 D/I, responded to Representative Cook's compliment.

Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to approve the above Resolution.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Application, Legal Basis and Eligibility Statement and Invoice Option Forms and the Accreditation/Recognition Program for Law Enforcement/Recognition Agreement between the City of El Paso and the Commission on Accreditation for Law Enforcement Agencies, Inc. on behalf of the El Paso Police Department to allow the Police Department to seek accreditation from the Commission.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with DAVITA MESA VISTA DIALYSIS, to provide One (1) Four Cubic Yard Dumpster for a service fee of \$15.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

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***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 25th day of May, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3718 E. San Antonio, in El Paso, Texas, which property is more particularly described as:

Lots: 6 and 7, Save and Except a portion thereof, Block 23, W.B. LATTA'S ADDITION "WOODLAWN", An Addition to the City of El Paso, El Paso County, Texas,

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Luisa N. Aguilar, 1010 E. Cliff Dr., El Paso, Texas 79902, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

*NOTICE OF PUBLIC HEARING

- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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 *Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Hillpoint Estates Unit One
 Owner/Developer: RAKMR I, LTD.
 Consultant: CEA Engineering Group

Street Improvements:

Picasso Drive - from the northwest subdivision boundary line to the south property line of Saint Dominic Drive

Saint Luke Street - from the north property line of Saint Dominic Drive to the south property line of Saint Laurence Avenue

Saint Dominic Drive - from the northeast subdivision boundary line to Station 7+71.24

Saint Abraham Place - from Station 7+71.24 to the south property line of Saint Laurence Avenue

Saint Francis Court - from the east property line of Saint Abraham Place to the west property line of Saint Vitus Street

Saint Pius Circle - from the east property line of Saint Abraham Place to the end of cul-de-sac

Saint Laurence Avenue - from the northeast subdivision boundary line to the west property line of Saint Vitus Street

Saint Crispin Avenue - from the northeast subdivision boundary line to the west property line of Saint Vitus Street

Saint Romeo Avenue - from the northeast subdivision boundary line to the west property line of Saint Vitus Street

Saint Vitus Street - from the northwest subdivision boundary line to the northeast subdivision boundary line, and from the northeast subdivision boundary line to the southeast subdivision boundary line

Saint Lucia Drive - from the east property line of Saint Vitus Street to the northeast property line between Lots 23 & 24, Block 8, and from the northeast property line between Lots 23 & 24, Block 8 to the east property line of Saint Vitus Street

Drainage Improvements:
Storm Drainage System

located at Saint Crispin Avenue; 2-2 Grate Drop Inlet Type I; and 35.99 ft. of 24" R.C.P.

located at Saint Laurence Avenue; 1-1 Grate Drop Inlet I; and 51 ft. of 30" R.C.P.

located at Saint Abraham Place; 1-3 Grate Drop Inlet Type I; and 12.26 ft. of 24" R.C.P.

located at Saint Luke Street; 2-1 Grate Drop Inlet Type I and 51 ft. of 24" R.C.P.

20 ft. Drainage Easement - between Lots 5 and 6, and Lots 15 and 16, Block 5; 215.74 ft. of 24" R.C.P.

20 ft. Drainage Easement - at Lots 7 and 40, Block 3; 226 ft. of 30" R.C.P.

25 ft. Emergency Access R.O.W. and P.S.B. Easement - between Lots 10 and 11, Block 8; 210 ft. x 6 ft. high Rock Wall Fence located at the north and south sides of the R.O.W.; and 1-18 ft. Double Swing Gate

Retention Ponding Area - at Lot 9, Block 4 with a 2.011ac. Area and a 18.878 ac-ft. Capacity; 3-Thrust Block Structure with Concrete Rip-Rap; 130.56 ft. of 30" R.C.P.; 123.54 ft. of 24" R.C.P.; 2-Junction Box/72" Manhole; 1-Junction Box/48" Manhole; 1248.57 ft. x 6 ft. high Rock Wall Fence around the ponding area perimeter; 655 ft. x 5 ft. Concrete Sidewalk; 20 ft. wide Concrete Drive Way; 18 ft. Double Swing Gate; and Pond Gauge

60 ft. Dedicated R.O.W. and 30 ft. Pasotex Pipeline Easement - 163.62 ft. of 24" R.C.P.

.....
*Motion made, seconded and unanimously carried to postpone one (1) week the request for the following provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Civil Service Recorder (1)

.....
*Motion made, seconded and unanimously carried to approve the Staffing Table Change for **PARKS & RECREATION**

Add 2.19 Recreation Leader II R3

.....
*Motion made, seconded and unanimously carried to approve the Staffing Table Change for **MUNICIPAL SERVICES**

Add 1.00 Municipal Services Assistant Director for Facilities Manager EX-E

.....
Motion made, seconded and unanimously carried to move to the regular agenda the appointment of Daniel A. Valenzuela as Summer Law Clerk with the Office of the City Attorney for a period of five (5) weeks at a weekly rate of \$900.00 effective from May 24, 2004 to June 25, 2004.

Representatives Cook, Austin, Power, and Cushing asked questions of Ms. Lisa A. Elizondo, City Attorney, and Mr. Jim Martinez, Chief Administrative Officer.

Motion made by Representative Austin, seconded by Representative Rojas and unanimously carried to postpone one (1) week and to send to the City Attorney's Legislative Review Committee the appointment of Daniel A. Valenzuela as Summer Law Clerk with the Office of the City Attorney for a period of five (5) weeks at a weekly rate of \$900.00 effective from May 24, 2004 to June 25, 2004.

AYES: Representatives Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NOTE: All three items on the appointments of Daniel A. Valenzuela, Jonathan Huerta and John A. Prisner as Summer Law Clerks were considered together.

.....
Motion made, seconded and unanimously carried to move to the regular agenda the appointment of Jonathan Huerta as Summer Law Clerk with the Office of the City Attorney for a period of five (5) weeks at a weekly rate of \$900.00 effective from June 1, 2004 to July 6, 2004.

Representatives Cook, Austin, Power, and Cushing asked questions of Ms. Lisa A. Elizondo, City Attorney, and Mr. Jim Martinez, Chief Administrative Officer.

Motion made by Representative Austin, seconded by Representative Rojas and unanimously carried to postpone one (1) week and to send to the City Attorney's Legislative Review Committee the appointment of Jonathan Huerta as Summer Law Clerk with the Office of the City Attorney for a period of five (5) weeks at a weekly rate of \$900.00 effective from June 1, 2004 to July 6, 2004.

AYES: Representatives Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NOTE: All three items on the appointments of Daniel A. Valenzuela, Jonathan Huerta and John A. Prisner as Summer Law Clerks were considered together.

.....
Motion made, seconded and unanimously carried to move to the regular agenda the appointment of John A. Prisner as Summer Law Clerk with the Office of the City Attorney for a period of five (5) weeks at a weekly rate of \$900.00 effective from July 12, 2004 to August 13, 2004.

Representatives Cook, Austin, Power, and Cushing asked questions of Ms. Lisa A. Elizondo, City Attorney, and Mr. Jim Martinez, Chief Administrative Officer.

Motion made by Representative Austin, seconded by Representative Rojas and unanimously carried to postpone one (1) week and to send to the City Attorney's Legislative Review Committee the appointment of John A. Prisner as Summer Law Clerk with the Office of the City Attorney for a period of five (5) weeks at a weekly rate of \$900.00 effective from July 12, 2004 to August 13, 2004.

AYES: Representatives Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos

NOTE: All three items on the appointments of Daniel A. Valenzuela, Jonathan Huerta and John A. Prisner as Summer Law Clerks were considered together.

.....
*Motion made, seconded and unanimously carried to appoint Daphne Hamilton to the City Plan Commission to fill an unexpired term by Representative Daniel S. Power.

.....
*Motion made, seconded and unanimously carried to appoint Beverly J. Hood to the El Paso Public Arts Commission by Representative Daniel S. Power.

.....
*Motion made, seconded and unanimously carried to appoint Cindy J. Crosby to the Historic Landmark Commission by Representative Daniel S. Power.

.....

A. UPS Supply Chain Solutions in the amount of \$3,204.51, overpayment of 2003 taxes.
(PID #2003-999-3378-0034)

B. Mortgage Service Center in the amount of \$9,195.14, overpayment of 2003 taxes.
(PID #C837-999-0010-0200)

C. Countrywide Tax Services Corporation in the amount of \$15,811.96, overpayment of 2003 taxes.
(PID #S332-999-0030-2300)

*Motion made, seconded and unanimously carried to approve Change Order No. One (Construction Change) Silverton Construction Company, Inc. for "Cleveland Square Redevelopment Main Library Addition / Remodeling, New History Museum & Cleveland Square Park" for an increase amount not to exceed of \$70,000.00. An increase in the contract amount for the replacing of the Main Library's existing 100-ton (refrigeration) capacity chiller with a new unit of equal capacity.

*Motion made, seconded and unanimously carried to award Bid No. 2004-139 Landfill Compactor

Award to:	Wagner Equipment Company	
	El Paso, TX	
Item (s):	Alternate Bid 2	
	Item 1—Landfill Compactor	\$656,000.00
	Options O5 and O8 at No Charge	0.00
	Item 2—5 Year Repair Expenses	<u>+158,711.00</u>
	(Not to Exceed)	\$814,711.00
	Item 3—Guaranteed Repurchase Price	<u>- 156,200.00</u>
		\$658,511.00

Department:	Solid Waste Management
Funds available:	508006-34340200-40415 (\$656,000.00) 502300-34010296-40403 (\$158,711.00)
Funding source:	FY2004 Solid Waste Management Revenue Bonds FY2004-FY2008 Solid Waste Management Operating Funds
Total award:	\$814,711.00

The Fleet Services, Solid Waste Management, and Purchasing Departments recommend award as vendor has provided the Best Value Bid. This vendor also offered the lowest responsive bid.

This is a fixed-price, single (one-time) purchase, to purchase a Landfill Compactor. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one hundred eighty (180) days from the date of award of the contract. No prompt payment discount is offered.

It is requested that the Mayor and Staff be authorized to execute budget transfers for this purchase, as necessary.

*Motion made, seconded and unanimously carried to postpone one (1) week Bid No. 2004-140 EPFD Engine Exhaust Removal System

Contractor: Air Cleaning Technologies Inc.
Broken Arrow, OK 74012

Department: Fire Department

Funds Available: 04252003-PMB0004130-27260-508008
(\$30,891.07)
62620029-PAP0007001-41062-508027
(\$6,180.00 for FS #32)
22150024-G220403-07162-508008
(\$107,043.93) FEMA Grant

Funding Source: FY03 City Equipment Capital, Airport Revenue and
FEMA (Federal Emergency Management Agency) Grant

Items: Base Bid \$144,115.00

Total Award: \$144,115.00

The Departments of Purchasing, Engineering and Fire Department, recommend the award of Base Bid of this contract to Air Cleaning Technologies Inc., The Best Value proposal. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

.....
Motion made, seconded and unanimously carried to move to the regular agenda Bid No. 2004-101R Performance Auditing Services for Delinquent Tax Collection Service Contract.

Representatives Cushing, Lozano, Cook, and Cobos asked questions of Mr. Byron Johnson, Director of Purchasing and/or made remarks.

Mayor Joe Wardy explained that the RFP would serve as a performance review of the current tax collection service.

Mr. Frank Ainsa, attorney representing the law firm of Delgado, Acosta, Spencer, Linebarger, Heard & Perez, LLP, objected to the scope of the audit within the RFP and requested that that language be removed.

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to reject Bid No. 2004-101R Performance Auditing Services for Delinquent Tax Collection Service Contract and to go back out for another Request For Proposal (RFP).

Award to: Wiener Strickler, LLP
El Paso, TX

Item (s): All

Amount: \$35,000.00

Department: Office of Management and Budget
 Funds available: 99011273-01101-505413
 Funding source: Office of Management & Budget - Operating Funds Special Items
 Total award: \$35,000.00

The review committee for the Award of Performance Auditing Services For Delinquent Tax Collection has met and reviewed the Sole responsive Proposal that was received. It is the recommendation of the committee to award the RFP to this firm. The proposal response addressed the scope and intent of the RFP.

Additionally, random companies were selected from the list that had expressed interest in the RFP to determine why they did not submit responses. Most companies declined to submit a proposal.

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review, and the Mayor be authorized to execute any related contract documents and agreements necessary during the contract.

.....
 *Motion made, seconded and unanimously carried to award Bid No. 2004-084 Temporary Personnel

Award to: Vendor 1 RMP Personnel, Inc.
 El Paso, TX
 Item (s): 2
 Amount: \$12,000.00 (estimated yearly)

Vendor 2 Advance'd Temporaries, Inc.
 El Paso, TX
 Items (s) 1 & 3
 Amount \$162,000.00 (estimated yearly)

Department: City-County Health Department
 Funds available: 41150020-06075-502213
 Grant G410406
 Funding source: Temporary Employment Services –
 TDH Immunization Grant
 Total award: \$348,000.00 (estimated)

City-County Health and Purchasing recommend award as indicated as these vendors are the low, responsive and responsible bidders meeting specifications.

This is a twenty-four month contract with the option to renew the contract for two additional years. Additionally, Advance'd Temporaries, Inc. offers a 2% 10 days Prompt Payment Discount.

.....
 *Motion made, seconded and unanimously carried to award Bid No. 2004-120 Temporary Personnel

Award to: Vendor 1 Adecco Employment Services
 El Paso, TX
 Item (s): #7
 Amount: \$780.00 (estimated yearly)

Award to: Vendor 2 Advance'd Temporaries Inc.
 El Paso, TX
 Items (s): #2, 3, 4, 5, 6, & 9
 Amount: \$67,864.00 (estimated yearly)

Award to: Vendor 3 dmDickason Personnel Svcs
 El Paso, TX
 Items (s): #1 & 8
 Amount: \$28,080.00 (estimated yearly)

Department: Department of Human Resources
 Funds available: Various
 Funding source: Various
 Total award: \$96,724.00 (estimated yearly)

Human Resources Department and Purchasing recommend awards as indicated as these vendors are the low, responsive and responsible bidders meeting specifications.

This is a thirty-six [36] month contract with no renewable options. Additionally, Advance'd Temporaries, Inc. offers a 2% 10 days Prompt Payment Discount.

.....
 *Motion made, seconded and unanimously carried to award Bid No. 2004-130 Wheeled Bucket Loaders

Award to: Sierra Machinery
 Item (s): 1 – Two (2) Each
 Optional Items: O1, O2, O10, O11 – Two (2) Each
 O3, O7 – One (1) Each
 Amount: \$196,479.00
 \$60,000.00 Less Trade-In Amount
 \$136,479.00

Department: Street Department
 Funds available: 04200401-508029-29203-PMB0005003
 Funding source: FY2004 General Obligation Bonds
 Total award: \$196,479.00

The Fleet Services, Street, and Purchasing Departments recommend award as indicated as this vendor has provided the low, responsive, responsible bid meeting specifications.

This is a fixed-price, single (one-time) purchase, to purchase two (2) Wheeled Bucket Loaders. There is also an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within three hundred and sixty-five (365) days from the date of award of the contract. No prompt payment discount is offered.

.....
 Motion made, seconded and unanimously carried to move to the regular agenda budget transfer BT2004-645 BUILDING AND PLANNING SERVICES.

There was no discussion.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to postpone one (1) week budget transfer BT2004-645 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$120,000 to pay for infrastructure improvements in connection with the development of park site at Franklin Hills. Funding source is HFC funds.

Increase	\$120,000	to	31125001/PPR000327624/508027	Construction
Increase	\$120,000	to	31125001/P50145827610/407002	Est Rev
Decrease	\$120,000	from	31125001/P50145827610/507001	Intrfd Trf
Increase	\$120,000	to	31125001/PPR000327624/407001	Intrfd Trf

NOTE: This budget transfer BT2004-645 for Building and Planning Services was considered together with the following two Resolutions: a) Resolution that the Mayor be authorized to sign a Joint Resolution between the El Paso Water Utilities-Public Service Board and the City of El Paso authorizing (1) the transfer of a 20-acre tract of land in H.G. Foster Survey No. 262, City of El Paso, El Paso County, Texas, from the jurisdiction of the El Paso Water Utilities-Public Service Board to the City of El Paso for use as a public park; (2) that the City of El Paso shall pay the El Paso Water Utilities-Public Service Board a total sum of \$120,000 as consideration for the 20-acre land transfer; and (3) that the El Paso Water Utilities-Public Service Board shall accept reimbursement through deductions due the City from the proceeds derived from future El Paso Water Utilities-Public Service Board land sales in the amount of \$120,000 to cover the land transfer and b) Resolution that the Mayor be authorized to sign a Developer Agreement between Colony Partners L.P. and the City of El Paso for the construction of certain improvements to Bear Ridge Drive and the abutting drainage channel in the vicinity of a certain 20 acre parcel contemplated for use as a City park. This developer agreement is made pursuant to Section 212.071 and 212.072 of the Texas Local Government Code as well as the City of El Paso Municipal Code.

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-591 SOLID WASTE MANAGEMENT

Set up revenue received and appropriations for grants received from Rio Grande Council of Governments (Pass Through Grant) Grants are for FY 2004. These grants will serve to a) provide supplies and educational materials for clean-ups, b) and to provide containers (4/6 cyd) for new and existing customers in the recycling program.

Increase	\$28,000	to	34150062/G34040107120/406001	St Grt Proc
Increase	\$16,000	to	34150062/G34040107120/502215	Cont Svc
Increase	\$12,000	to	34150062/G34040107120/503117	Eq Maint Sup
Increase	\$24,000	to	34150062/G34040207121/406001	St Grt Proc
Increase	\$24,000	to	34150062/G34040207121/508004	PubUseFacEq

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-629 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$25,000 to fund the construction phase of the Zaragosa Bridge Joint Repair. Funding source is previously issued revenue bonds.

Increase	\$25,000	to	32000082/P50100543001/508027	Construction
Increase	\$25,000	to	32000082/P50100543001/407002	Proc Rev

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-630 PARKS AND RECREATION

This budget transfer requests a new appropriation to install a three compartment sink at the Carolina Recreation Center to meet Health Department codes.

Increase	\$2,000	to	51510073/P50020816308/407002	Est Rev
Increase	\$2,000	to	51510073/P50020816308/508003	Bldg Imprv

.....
 *Motion made, seconded and unanimously carried to approve the request of Mt. Hope Lutheran Church to hold a Pentecost picnic & parade on June 12, 2004 from 9:00 a.m. to 10:00 a.m. Route: Start at San Pablo Lutheran Church 301 Schutz to Padilla Drive, proceed on Padilla Drive and finish at Capistrano Park. Approximately 100 persons will take part. PERMIT NO. 04-030 [Reverend Rodney H. Hanson]

*Motion made, seconded and unanimously carried to approve the request of Sageland Elementary to block off 7900 Block of Santa Monica between Venado and La Paz on May 14, 2004 from 10:45 a.m. to 1:00 p.m. for a block party. Approximately 600 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". This request also permission to use amplification (1 amplifier, 2 speakers, and 1 microphone). PERMIT NO. 04-031 [Sylvia Berry]

.....
*Motion made, seconded and unanimously carried to approve the request of Loma Terrace Kindergarten & 1st grade to hold a walk on April 28, 2004 from 9:00 a.m. to 12:15 p.m. Route: Start at Loma Terrace Elementary-8200 Ryland to Lomaland, turn right on Lomaland to Burnham, turn right on Burnham and finish at the Movie One Theatre. Approximately 260 persons will take part. PERMIT NO. 04-034 [Georgina Valadez]

.....
Motion made by Representative Escobar, seconded by Representative Power and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing: Representative Austin not present for the vote.

- A. An Ordinance amending Title 20 (Zoning) Chapter 20.88 (General Design and Use Regulations) Section 20.08.207 (Mobile Service Unit Development Standards) to redesignate all mobile service unit ordinance references now located in 20.08.207 to code Section 20.08.207.5; to add 20.08.207.5.10 which will allow businesses to provide Mobile Servicing for employee vehicles at the employer's place of business; and to amend Chapter 20.02 (General Provisions and Definitions) to change the reference in 20.02.513 (Mobile Service Units) from 20.08.207 to 20.08.207.5. The penalty is as provided in 20.68 of the City of El Paso Municipal Code.
- B. An Ordinance amending Title 18 (Buildings and Construction), Chapter 18.02 (Building and Construction Administrative Code), of the El Paso Municipal Code, to add Section 18.02.101.4.9 (Selection Procedures for Third Party Plan Review Services) to provide for the review of plans and permit documents by approved Third Party Companies and to enumerate a selection procedure for said companies.
- C. An Ordinance granting a Special Privilege to Trade Key, LTD, permitting the encroachment onto public rights-of-way with one (1) subsurface drainage eighteen inch (18") Type III RCP (Reinforced Concrete Pipe) along Venture Drive. (Consideration; SP-04004, Total Annual Fee: \$1,320.00)
- D. An Ordinance granting a Special Privilege to "RX" Sin Receta LLC, to permit the temporary use and closure of a portion of the two eastern lanes of the Zaragosa International Bridge; and public rights-of-way along the alley between Oregon Street and El Paso Street and between Third Avenue and Sixth Avenue; and the north east corner of Father Rahm Avenue and El Paso Street. For the purpose of filming a motion picture on May 20, 21, 24, 25, 26, 27, 2004. (Fee: \$375.00, SP-04007)

PUBLIC HEARING WILL BE HELD ON MAY 11, 2004 FOR ITEMS A – D

- E. An Ordinance changing the zoning of Lots 6 and 7, Block 1, El Paso West Unit 2, Replat A, City Of El Paso, El Paso County, Texas (1345 Export Place) from M-1 (Manufacturing) to C-3 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON04-00043. Applicant: Harvest Christian Center, Inc./ Representative: Conde, Inc., 1790 Lee Trevino, Suite 400, El Paso, TX 79936.

PUBLIC HEARING WILL BE HELD ON MAY 18, 2004 FOR ITEM E

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

NOTE: Ordinance #A was revised.

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Item: Discussion and action on amending Section 20.02.565 (Parking Space, Off-Street Accessible) to insert a broad provision that allows for an access aisle to be...."marked with diagonal stripes and any other markings as determined necessary by the Director of Building Permits and Inspections or the Texas Department of Licensing and Regulation, Architectural Barriers Division". Enforcement of this provision would be applicable in all existing and new parking lots, public and private, from the date of adoption pursuant to Title 12 Vehicles and Traffic, Chapter 12.44 Stopping, Standing and Parking Generally, Section 12.44.180 Regulation Pertaining to Certain Special Situations, and Section 12.44.200 Handicap Parking on Private Property, and Title 20, Zoning, Chapter 20.64 Off Street Parking and Loading Requirements, Section 20.64.060 Directions to Parking Spaces- Locations of Parking Spaces-Location and Direction of Movements Along Driveways, and Section 20.64.100 Maintenance of the El Paso Municipal Code. Violations of any markings instituted pursuant to this amendment will be enforced and will result in citations being issued pursuant to the Texas Transportation Code, Title 7 Vehicles and Traffic Subtitle H Parking, Towing, and Storage of Vehicles, Chapter 681 Privileged Parking, Section 681.010 Enforcement and Section 681.0101 Enforcement by Certain Appointed Persons.

Representative Lozano moved to amend the language as posted on the agenda as follows: "marked with diagonal strips and the universal "P" sign for no parking".

Representatives Cobos, Cook, Power, Escobar, and Cushing, Ms. Lisa A. Elizondo, City Attorney, and Mayor Joe Wardy commented.

Mr. Bennett explained handicap parking requirements and responded to questions from Representatives Lozano and Cook.

Ms. Lupe Cuellar, Deputy City Attorney, provided legal advice regarding State law requirements for handicapped parking and responded to questions from the Council.

Motion made by Representative Lozano, seconded by Representative Cobos and unanimously carried to direct the City Attorney's Office to prepare an ordinance amending Section 20.02.565 (Parking Space, Off-Street Accessible) to insert a broad provision that allows for an access aisle to be...."marked with diagonal stripes, the international sign and any other markings as determined necessary".

.....
*Motion made, seconded and unanimously carried to postpone one (1) week the discussion and action on entering into a pilot recycling program with Nortoner to collect, remove and transport, or dispose of the City's empty toner, fax, inkjet and photocopier cartridges through the setting up of collection containers in diverse locations in El Paso. This pilot program would serve a public purpose by providing a recycling opportunity after the recent public concerns regarding the lack of recycling efforts by the City of El Paso; any monies generated from this recycling effort are considered public funds; and the collections would fall within the legal requirements of a \$3,000.00 limit without calling for competitive bidding, as defined by Legal.
.....

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City accepts the dedication of a right-of-way and easement for public streets located within a portion of a 30 foot wide Paso Tex pipeline right of way in Section 8, Block 79, Township 3, Texas and Pacific Railway Company Surveys, El Paso County, Texas, being more fully described by metes and bounds in Exhibit "A," (Exhibit A on file in the City Clerk's Office) from Chevron Pipeline Company, a Delaware Corporation.

Mr. Rudy Valdez, Chief Urban Planner, explained the necessity regarding the Resolution and added that the Planning, Research and Development Department had received no opposition to or support of the Resolution.

Motion made by Representative Escobar, seconded by Representative Power and unanimously carried to approve the above Resolution.

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to reject RFP #2004-069R City Employee Assistance Services as recommended by Purchasing and the Office of Management and Budget, Insurance & Benefits Department.

All Requests for Proposals are being rejected. The consultant and the City of El Paso are working to integrate this in to a Request for Proposals with insurance and issuing that RFP at a later date.

Mr. Byron Johnson, Director of Purchasing, addressed Representative Cushing's questions regarding the RFP.

ORDINANCE 15773

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO THE EL PASO HERITAGE WEEK FESTIVAL TO TEMPORARILY CLOSE A PORTION OF ANTHONY STREET BETWEEN SAN FRANCISCO AVENUE AND SAN ANTONIO; AND WESTERN COURT BETWEEN ANTHONY STREET AND DURANGO STREET (ACCESS ROAD) FOR THE EL PASO HERITAGE WEEK FESTIVAL ON SATURDAY, MAY 1, 2004.**

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cobos, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:	Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS:	None
Absent:	None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Motion made by Representative Power, seconded by Representative Cushing and unanimously carried to delete an Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by amending Section 20.04.520 (Administrative Provision; Notice-Method) to change the notice requirements for a zoning change on one acre or more of land. The penalty is as provided in Chapter 20.68 of the City of El Paso Municipal Code.

ORDINANCE 15774

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING) OF THE EL PASO MUNICIPAL CODE, BY AMENDING SECTION 20.04.520 (ADMINISTRATIVE PROVISION; NOTICE-METHOD) TO CHANGE THE NOTICE REQUIREMENTS FOR A ZONING CHANGE, SPECIAL USE PERMIT, OR RELEASE OF ZONING CONDITION ON ONE ACRE OR MORE OF LAND. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE CITY OF EL PASO MUNICIPAL CODE.**

Mr. George G. Sarmiento, Director of Planning, Research and Development, explained that the CPC (City Plan Commission) and BZAC (Building Zoning Advisory Committee) were unable to come to an agreement regarding the notification requirements. He provided an example of the new signage informing the public of zoning change(s), signage requirements and answered questions from and responded to comments made by the Council Members.

Mr. Matt Watson, Assistant City Attorney, addressed the language differences between the two notice requirement Ordinances as listed on the agenda, answered questions from and responded to comments made by the Council Members, and provided legal advice.

Representatives Cushing and Austin recommended revising the Ordinance language.

Representative Austin revised the Ordinance language under B. Provision of Notice: Number 1. "In addition to requirements under Section 2.102, notice would be given in the following manner:"; and Number 2. "... amendments to Special Contract conditions."

Representative Cook moved to postpone one week. Representative Power seconded. Representative Power withdrew his second to allow for further discussion.

The following individuals spoke in favor of the Ordinance:

Ms. Mary Frances Kiesling, Save the Valley Neighborhood Association;
Mr. Charlie Wakeem, Coronado Neighborhood Association; and
Mr. Alberto Rivas, Five Points Neighborhood Association.

Mr. Watson read the revisions into the record.

Motion made by Representative Austin, seconded by Representative Power and unanimously carried to approve the Ordinance, as amended by the Assistant City Attorney.

AYES: Representatives Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas, and Cobos

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Austin, seconded by Representative Power, that the Ordinance be adopted, as amended. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....

Motion made by Representative Rojas, seconded by Representative Cobos and unanimously carried to deny an Ordinance changing the zoning of a portion of Lot 4, Block 160, Vista Del Sol Unit 54, El Paso, El Paso County, Texas (11329 Pellicano Dr.) from P-I (Planned Industrial) to C-4 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON04-00013. Applicant: Texas M, LLC / Representative: Margaret Portillo, 300 E. Main, Suite 1208, El Paso, TX 79901.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended C-4 zoning. He stated that there was opposition to the zoning change request and answered questions from and responded to comments made by the Council Members.

Mr. Stuart Schwartz, attorney representing Silverman Jewelers, gave a Powerpoint presentation (on file in the City Clerk's office) opposing the zoning change request. He answered questions from and responded to comments made by the Council Members, provided a copy of the property covenants and copies of opposition letters to the Council Members (on file in the City Clerk's office),

Ms. Margaret Portillo, applicant representative, spoke on behalf of the applicant.

Representative Rojas moved to deny. Representative Cobos seconded. Representative Cobos withdrew his second to allow further discussion.

Ms. Portillo requested a C-3 zoning. Mr. Schwartz responded that he had no authority to negotiate on behalf of any other property owner other than his client.

Representatives Escobar and Cook commented.

Representative Rojas moved to deny. Representative Cobos seconded.

.....
Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to postpone one (1) week an Ordinance changing the zoning of a portion of Lot 4, Block 134, Pebble Hills, El Paso, El Paso County, Texas (Wooster Lane) from A-O (Apartment-Office) to C-3 (Commercial) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON04-00033. Applicant: Joseph Pickett / Representative: Conde, Inc., 1790 Lee Trevino, Suite 400, El Paso, TX 79936.

AYES: Representatives Austin, Cushing, Lozano, Cook, Escobar, Rojas, and Cobos
NAY: Representative Power

Mr. Rudy Valdez, Chief Urban Planner, stated that there were no letters or phone calls in support or opposition to the zoning change request, the CPC (City Plan Commission) recommended approval; however, the DCC (Development Coordinating Committee) recommended denial. He answered questions from and responded to comments made by the Council Members.

Representative Power moved to deny. Representative Escobar seconded.

Mr. Conrad Conde, applicant representative, answered questions of the Council Members and stated that the applicant had met with the neighbors and had complied with their requests. He answered questions from and responded to comments made by the Council Members.

Mr. Matt Watson, Assistant City Attorney, provided legal advice and noted the conditions for C-3 zoning.

Mayor Joe Wardy suggested postponing the item to allow for further discussion amongst all parties.

Mr. Thomas Maguire, Building Permits and Inspections, responded to Representative Cook's comments regarding Municipal Code enforcement.

WHEREAS, **KEYSTONE HERITAGE PARK INC.** (the "Applicant(s)") applied for approval of a detailed site development plan pursuant to a contract condition to permit the construction and development of a botanical garden; and

WHEREAS, the City Plan Commission has recommended approval of the subject detailed site development plan; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Lot 12 and 13 of Block 3, of Keystone Business Park, El Paso, El Paso County, Texas, and municipally numbered as 4200 Doniphan.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the C-4/sc (Commercial/special contract) District regulations.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

The City Clerk called for further public comment. There was no further public comment.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and responded to Representative Cobos' question regarding Kappa Road improvements.

Representative Cobos stated for the record that he was opposed to an extension of the timetable to construct Kappa Road and requested that the Planning, Research and Development Department inform the Council in the event the owner/developer applied for an extension.

Ms. Tammy Vasilatos, President Elect of the Junior League of El Paso, responded that the Junior League would build Kappa Road up to access to the botanical garden, with or without the developer's participation.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

Representatives Lozano and Power were not present for the vote.

Motion made by Representative Lozano, seconded by Representative Cobos and unanimously carried to reconsider the public hearing to determine if the property located at 3303 Frutas Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property, Margarita Alvarez, 3544 East Glen Drive, #B, El Paso, Texas 79936, has been notified of the violations at this property. Delinquent taxes in the amount of \$5,139.88.

There was no discussion.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to postpone four (4) weeks a Public hearing to determine if the property located at 3303 Frutas Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property, Margarita Alvarez, 3544 East Glen Drive, #B, El Paso, Texas 79936, has been notified of the violations at this property. Delinquent taxes in the amount of \$5,139.88.

Representatives Cushing and Rojas were not present for the vote.

*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 3008 Barkarian Place, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated November 12th, 2003. The owners of this property, Antonio and Sylvia Legaspi, 10837 Bella Vista Drive, El Paso, Texas 79935, have been notified of the violations at this property. Delinquent taxes in the amount of \$0.

RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structures located on the property at 10301 Dyer Street, in El Paso, Texas, which property is more particularly described as follows:

 Lots: 31, 32, 33, 34, 35, 36, 37 and 38, Parkland Addition (First Supplemental Map)

are dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Dr. Luis R. Marioni, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on April 27th, 2004; and

WHEREAS, NO ONE APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structures located on said property are unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structures are not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structures cannot be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
 - a. That the structures be removed or demolished within (30) days; and
 - b. That the chain link fence surrounding the property be repaired or removed. If the fence is repaired, all of the barbwire topping must be removed; and
 - c. That the premises be cleaned of all weeds, trash and debris within (30) days and the property be maintained clean; and
 - d. That the Owner of said structures is hereby ordered to comply with all requirements of the Resolution; and
 - e. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the structures, remove or repair fence, and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may demolish the structures, remove or repair the fence and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with demolishing the structures, removing or repairing the fence and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with demolishing the structures, removing or repairing the fence and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and

- b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
6. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
 7. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
 8. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and gave the department's recommendation(s). He answered questions from and responded to comments made by the Council Members.

Motion made by Representative Cook, seconded by Representative Austin and unanimously carried to approve the above Resolution.

Representative Power abstained from the vote.

.....
 Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to postpone six (6) weeks the public hearing to determine if the property located at 378 S. Santa Fe Street AKA 115 W. Paisano Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated September 26th, 2003. The owner of this property, Anid, Inc., 2120 Myrtle Avenue, El Paso, Texas 79901, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.

Ms. Roberta Telles, property owner, thanked Mr. Thomas Maguire, Building Permits and Inspections, for his assistance regarding the rehabilitation of the property and requested a 40-day postponement.

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RESOLUTION

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the City Council in writing that he is of the opinion that the structures located on the property at 7308 Alameda Avenue, in El Paso, Texas, which property is more particularly described as follows:

Tract: 18C2, Block 24, Ysleta Grant

are dilapidated, substandard, and unfit for human habitation; are a hazard to public health, safety, and welfare; do not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Hector and Martha G. Hernandez, 7308 Alameda Avenue, El Paso, Texas 79915, and Hector R. and Martha G. Hernandez, 9455 Viscount Blvd., Apt. #529, El Paso, Texas 79925-7022, record Owners, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on April 27th, 2004; and

WHEREAS, HECTOR AND MARTHA G. HERNANDEZ, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structures located on said property are unsafe, substandard, unfit for human habitation or use, and therefore hazards to the public health, safety, and welfare; and
 - b. That the structures are not in substantial compliance with municipal ordinances regulating structural integrity and disposal of refuse; and
 - c. The structures' certificates of occupancy are to be revoked in 30 days from any structure not in compliance with all applicable Municipal Codes at that time; and
 - d. Since the owners have failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structures cannot be repaired.
2. That the City Council hereby orders Owners to comply with the following requirements:
 - a. That the Buildings be secured or demolished as recommended by the Department within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That the Owners of said Buildings are hereby ordered to comply with all requirements of the Resolution; and
 - d. The owners are advised that in order to obtain new certificates of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - e. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may demolish the Buildings and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
4. That said Owners shall become personally liable for all costs incurred by City in connection with demolishing the Buildings and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with demolishing the Buildings and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and

6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
 - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
7. That upon failure of the Owners, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and read the department's recommendations into the record, as revised. He answered questions from and responded to comments made by the Council Members.

Ms. Myrna Boyer, daughter of the property owner, Mr. Hector Hernandez, responded to Mr. Maguire's comments.

Ms. Irene Baray, former tenant, made statements regarding the condition of the apartments.

Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

Representatives Cook and Power abstained from the vote.

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Motion made by Representative Lozano, seconded by Representative Austin and unanimously carried to postpone four (4) weeks the public hearing to determine if the property located at 7657 Alameda Avenue Apts. #1, #2 & #4, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated October 28th, 2003. The owners of this property, Gonzalo and Tomasa De La Rosa, Owners, 9697 Omelveny Avenue, Pacoima, CA 91331-4158 and Herbert De La Rosa, 1152 Morgan Marie Street, El Paso, Texas 79936, have been notified of the violations at this property. Delinquent taxes in the amount of \$7,878.55.

Mr. Thomas Maguire, Building Permits and Inspections, explained that the property had recently been purchased by Mr. Herbert De La Rosa.

Mr. Herbert De La Rosa, property owner, requested a 30-day postponement.

Representative Rojas was not present for the vote.

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Motion made by Representative Lozano, seconded by Representative Escobar and unanimously carried to postpone two (2) weeks the public hearing to determine if the property located at 7202-7204 North Loop Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated December 8th, 2003. The owner of this property, Gonzalo Gonzalez, Owner, 7202-7204 North Loop Drive, El Paso, Texas 79915 and Gonzalo Gonzalez, Owner, 7221 North Loop Drive, El Paso, Texas 79915, has been notified of the violations at this property. Delinquent taxes in the amount of \$0.

Mr. Thomas Maguire, Building Permits and Inspections, gave a Powerpoint presentation and requested a two-week postponement due to confusion regarding the address. He answered questions from and responded to comments made by the Council Members.

.....
ADDITION TO THE AGENDA

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following Contract Amendment on behalf of the Arts and Culture Department for the FY2004 Alfresco! Fridays, to be held at the Civic Center Plaza, as recommended by the Arts and Culture Department's staff:

1. Azucar; one performance on Friday, June 4, 2004; cost \$800.00.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following Contract on behalf of the Arts and Culture Department for the FY2004 Music Under the Stars World Festival, to be held at the Chamizal National Memorial, as recommended by the Arts and Culture Department's staff:

1. El Paso Symphony Orchestra, one performance on Sunday, August 15, 2004; cost \$15,000.00.
-

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract of Sale between the CITY OF EL PASO and SANDRA MARIE VILLALBA, FRED A. VILLALBA, III, AND PAUL ERIC VILLALBA, AS CO-TRUSTEES FOR THE BENEFIT OF CLARA R. VILLALBA, AND CLARA R. VILLALBA, INDIVIDUALLY for the purchase of

Parcel – No. 2 - 0.204 acres, more or less, being a portion of Lot 8, Block 6, of HUECO VIEW ACRES, an addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof recorded in Volume 4, Page 41, of the Plat Records of the El Paso County, Texas, to be used for the Edgemere Extension Project.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the CITY OF EL PASO and MARK M. ALVARADO, to assist the Mayor's Office as a Neighborhood Initiatives Liaison, at a biweekly rate of \$1,538.46 for 40 hours per week. The term of the contract shall be for the period of May 14, 2004 through May 13, 2005. This contract is subject to the concurrence of the Civil Service Commission.

Mayor Joe Wardy introduced Mr. Alvarado to the Council Members.

Mr. Alvarado thanked City staff and the Council Members and stated that he was looking forward to working with the Neighborhood Associations.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a grant application from the City of El Paso Police Department for an Automobile Theft Prevention Grant (twelfth year) in the amount of \$746,000.00 from the Automobile Theft Prevention Authority - State of Texas, for the purpose of continuing the efforts of the Department in reducing auto theft in El Paso County. In-Kind Match for the operation of the task force is \$1,523,713.42. The Grant Officials will be as named within the application.

That the El Paso City Council agrees in the event of loss or misuse of Auto Theft Prevention Authority Grant funds, the funds will be returned to the State of Texas and the Auto Theft Prevention Authority in full.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor is hereby authorized to sign, on behalf of the City of El Paso, an agreement between the City of El Paso and WASTE CONNECTIONS, INC., to allow the City to deliver or cause to be delivered to Camino Real or Rhino landfills "Acceptable Waste", as that term is defined in said agreement. Said acceptable waste shall be paid for in an amount and at a rate as set forth in the agreement and attached "Schedule A" (Schedule A on file in the City Clerk's Office).

*Motion made, seconded and unanimously carried to appoint Michael E. Landis to the Water Conservation Advisory Board by Representative Vivian Rojas, District 7.

*Motion made, seconded and unanimously carried to approve Change Order No. One (Scope Change) J. D. Abrams, L.P, for "Clint Landfill Phase I Cells 1 and 2" for a decrease to contract time from one hundred twenty (120) days to less than ninety (90) days to expedite the project, at a cost of \$410,994.00.

SECOND ADDITION TO THE AGENDA

Motion made by Representative Rojas, seconded by Representative Cobos and carried to move to the forefront of the regular agenda the Resolution that the El Paso City Council expresses its opposition to the Cedar Oak Townhomes, Project #04070, Application for 2004 Low Income Housing Tax Credits pending before the Texas Department of Housing and Community Affairs.

AYES: Representatives Austin, Cushing, Lozano, Escobar, Rojas and Cobos

NAYS: Representatives Cook and Power

RESOLUTION

That the City of El Paso expresses its opposition to the Cedar Oak Townhomes, Project #04070, Application for 2004 Low Income Housing Tax Credits pending before the Texas Department of Housing and Community Affairs.

Whereas, Cedar Oak Townhomes, Project No. 04070, has a pending application for 2004 Low Income Housing Tax credits before the Texas Department of Housing and Community Affairs, and

Whereas, the proposed Cedar Oak Townhomes project for 160 housing units is located within one linear mile of 111 other Low Income Housing Tax Credit units, in addition to 236 units of Section 8 subsidized housing, and

Whereas, if the proposed Cedar Oak Townhomes Project application for 2004 Low Income Housing Tax credits should be approved by the TDHCA, there would be an increase in the concentration of existing tax credit and other affordable housing developments within this market area, and

Whereas, the approval of an application for additional low income housing tax credits in this identified area increases the concentration of individuals, with limited incomes, forced to live in one isolated area, with little or no flexibility to live elsewhere, and

Whereas, under the Texas Government Code, section 2306.0661 (f) (6), the TDHCA must consider the a proposed development's proximity to other low income housing developments and during the April 22, 2004 public hearing, evidence was provided that there are currently 338 low-income housing units within the 79936 zip code area, and

Whereas, the Ysleta Independent School District would have an additional burden placed upon it with the addition of 160 housing units, as currently the 3 schools which serve this area have a total enrollment of 3,678 students, and

Whereas, the District No. 7 Representative's office has received numerous complaints per phone calls, letters, and e-mails in which residents of this neighborhood oppose the Cedar Oak Town homes Development, and

Whereas, the model of creating clusters of hundreds of families into mass public housing projects in order to accommodate local housing authorities, has been an abject failure nationwide, and

Whereas, it is preferable to assimilate disadvantaged, low-income families into working class society,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS,

That the El Paso City Council expresses its opposition to the Cedar Oak Townhomes, Project #04070, Application for 2004 Low Income Housing Tax Credits pending before the Texas Department of Housing and Community Affairs.

The following individuals spoke in opposition to the Cedar Oak Townhomes, Project #04070, Application for 2004 Low Income Housing Tax Credits:

Mr. James Camacho, citizen;
Mr. Sid H. Searcy, citizen; and
Ms. Laura Rivera, citizen.

Mayor Joe Wardy questioned whether or not there were any representative(s) in favor of the Cedar Oak Townhomes, Project #04070, Application for 2004 Low Income Housing Tax Credits in the audience wanting to speak. There was no response. He noted that the City of El Paso, as a governmental group, was supportive of low incoming housing and opportunities for affordable housing.

Mr. George G. Sarmiento, Director of Planning, Research and Development, stated for the record, that the Department was supportive of the private sector pursuing tax credits for needed affordable housing and made comments regarding the property's zoning.

Mr. Rudy Valdez, Chief Urban Planner, provided further information regarding the property's zoning.

Ms. Laura Uribarri, Executive Assistant to the Mayor, informed the Council that request for letters of Compliance for such projects, received by City Departments, would be forwarded to the Mayor's Office and subsequently forwarded to neighborhood associations.

Mr. Frank Ainsa, attorney representing Investment Builders, Inc., proposed postponing the item for two weeks to allow the developer and the Neighborhood Association to hold meetings.

Representatives Rojas, Cook, Cobos, Austin, Cushing, Power, and Lozano made comments and/or asked questions of City staff.

Motion made by Representative Rojas, seconded by Representative Cobos and carried to approve the above Resolution.

AYES: Representatives Austin, Cushing, Lozano, Power, Escobar, Rojas and Cobos
NAY: Representative Cook

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*Motion made, seconded and unanimously carried to postpone two (2) weeks the following executive session item:

Petition of El Paso Electric Company to Reconcile Fuel Costs; PUC Docket 26194; SOAH Docket No. 473-03-0278. (551.071)

.....
*Motion made, seconded and unanimously carried to delete the following executive session item:

Discussion and action regarding possible claims under a certain "Agreement for Engineering Services" with Bath Engineering Corporation dated November 5, 2002. (551.071)

.....

*Motion made, seconded and unanimously carried to postpone one (1) week the following executive session item:

Richard Juarez v. City of El Paso; Cause No.2002-5125 (551.071)

*Motion made, seconded and unanimously carried to delete the following executive session item:

Luis L. Maldonado vs. City of El Paso, et. al., Cause No. EP-04-CA-0043PRM (551.071)

*Motion made, seconded and unanimously carried to postpone one (1) week the following executive session item:

Jack Briggs v. City of El Paso, Cause No. 2002-896 (551.071)

Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 2:09 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

Texas Commission on Environmental Quality (TCEQ) Air Quality Permit No. 20345 (551.071)

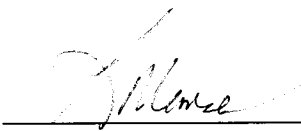
Motion made by Representative Power, seconded by Representative Cobos and unanimously carried to adjourn the Executive Session at 2:34 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

No action was taken on the following executive session item:

Texas Commission on Environmental Quality (TCEQ) Air Quality Permit No. 20345 (551.071)

Motion made by Representative Power, seconded by Representative Lozano and unanimously carried to adjourn this meeting at 2:35 p.m.

APPROVED AS TO CONTENT:


Richarda Duffy Momsen, City Clerk